



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: October 14, 2020
Applicant: GGV Kalasho, Inc.
Case No.: CUP20-0014
Brandywine Market and Liquor
Address: 1925 Avenida Escaya, Suites 114 and 116, Chula Vista, CA
Project Manager: Genevieve Hernandez

Notice is hereby given that on October 14, 2020, the Zoning Administrator considered Conditional Use Permit, CUP20-0014, submitted by GGV Kalasho, Inc. (“Applicant”). The Applicant requests approval of a Conditional Use Permit to allow an Alcohol Beverage Control License (Type 21) for the sale of alcohol at the proposed Brandywine Market (“Project”). The Project is located at 1925 Avenida Escaya, Suites 114 and 116, Chula Vista, CA within the Escaya Mixed Use Village Center in Otay Ranch Village 3 (“Project Site”) and is owned by GGV Kalasho, Inc (“Property Owner”). The Project Site is located within the Otay Ranch Village 3 Sectional Planning Area and is zoned Mixed-Use/Residential (MU-1), with a General Plan designation of Mixed-Use (MU). The Project is more specifically described as follows:

A Conditional Use Permit (CUP) to allow an Alcohol Beverage Control License (Type 21) for the sale of alcohol within a proposed market occupying an existing 2,536 square foot ground floor retail space at the northwest portion of the Escaya Mixed Use Village Center in Otay Ranch Village 3. The Alcohol Beverage Control License (Type 21) would permit the sale of beer, wine, and distilled spirits in package form for consumption off-site.

The Director of Development Services has reviewed the Project for compliance with the California Environmental Quality Act (CEQA) and determined that the Project was covered by the previously adopted FEIR 13-01. No further environmental review is required.

The Zoning Administrator, under the provisions of Section 19.14.030(A) of the Chula Vista Municipal Code (CVMC), and the Otay Ranch Village 3 Sectional Planning Area (SPA) Plan has been able to make the findings for approval of this Conditional Use Permit as required by Section 19.14.080:

1. That the proposed use at this location is necessary or desirable and will contribute to the general well-being of the neighborhood or the community.

The proposed sale of beer, wine and distilled spirits in package form will complement the proposed market by allowing patrons the option of purchasing alcohol for off-site consumption. The sale of alcohol will complement the other goods provided for sale such as non-alcoholic beverages, gourmet cheeses, limited fresh produce and convenience items such as snacks, dairy products, breads and pre-packaged deli sandwiches. The use will provide a desirable service that is generally associated with markets to the surrounding residents and will not adversely affect the general well-being of the neighborhood or the community as the alcoholic beverages will be purchased and consumed off-site. The market is located within a mixed-use, ground floor commercial development that allows for this type of use.

2. That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.

The Project will comply with applicable sections of the California Building and Fire codes. The Project is located within a 2,536 square-foot ground floor retail space at the northwest portion of the Escaya Mixed Use Village Center. The market will only be allowed to sell beer, wine and distilled spirits in package form for off-site consumption. The hours of operation, and sale of alcoholic beverages will be limited to 7:00 a.m. to 12:00 a.m. Additionally, the Police Department will monitor the ABC Liquor License obtained from the State of California Alcoholic Beverage Control.

3. That the proposed use will comply with the regulations and conditions specified in the code for such use.

The use complies with all regulations and conditions specified in the Chula Vista Municipal Code and the Otay Ranch Village 3 Sectional Planning Area (SPA) Plan. The proposed parking would be provided in angled spaces along Avenida Escaya and Camino Aldea in compliance with the Village 3 SPA Plan, Planned Community District regulations. The Project will adhere to the Performance Standards set forth in CVMC 19.66.10 through 19.66.240. The conditions of this CUP are in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. The approval of this CUP is contingent on the Applicant's and Property Owner's commitment to satisfy all conditions of approval for the proposed use and will comply with all applicable Chula Vista Municipal Code regulations.

4. That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.

The Project as approved by this Conditional Use Permit pursuant to Otay Ranch Village 3 SPA and the Chula Vista Municipal Code, is consistent with permitted land uses and will not adversely affect implementation of the General Plan. The General Plan designates the site as Mixed Use (MU). Granting the liquor license would not alter the land use pattern of the General Plan.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit CUP20-0014, as described above subject to the following conditions of approval:

I. Prior to the issuance of building permits and/or the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirements:

Planning Division:

1. The Project Site shall be improved and maintained in accordance with stamped approved plans dated May 1, 2020 for CUP20-0014, which include site and floor plans on file with the Planning Division, the conditions contained herein, and the Zoning Ordinance (Title 19).
2. The Property Owner or authorized representative/Applicant shall execute this document by making a true copy of this Notice of Decision and signing both this original notice and the copy on the lines provided below, said execution indicating that the Property Owner and the Authorized Representative/Applicant have each read, understood and agreed to the conditions and land use operation modifications contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department within 30 days. Failure to return the signed true copy of this document prior to submittal for building permits to the Development Services Department shall indicate the Property Owner and authorized representative/Applicant's desire that the Project, and the corresponding application for building permits and/or a business license, be held in abeyance without approval.

Signature of Property Owner

Date

Print

Signature of Authorized Representative/Applicant

Date

Print

Police Department:

3. Sales, services and consumption of alcoholic beverages shall be permitted only between 7:00 a.m. and 12:00 a.m.
4. There shall be no exterior advertising of any kind or type, including advertising directed to the exterior from within, promoting or indicating the availability of alcoholic beverages.
5. The parking lot of the premises shall be equipped with lighting of sufficient power to illuminate and make easily discernible the appearance and conduct of all persons on or about the parking lot. Additionally, the position of such lighting shall not disturb the normal privacy and use of any neighboring residences.
6. The Applicant shall remove graffiti within 48 hours.
7. The Petitioner(s) shall be responsible for maintaining a litter free area in all areas under the Petitioner(s) control.
8. No loitering shall be allowed near the entrance/exit of the business. Petitioner(s) shall police the area under their control in an effort to prevent loitering of persons about the premises.
9. Signs must be posted at all exits, advising customers that loitering and open containers of alcohol are prohibited outside of the business and reminding them not to disturb the neighbors with noise.

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

10. The business shall be operated in compliance with the Performance Standards, CVMC Chapters 19.66 and Performance Standards and Noise Control, Chapter 19.68.
11. This Conditional Use Permit authorizes only the use specified in the application for CUP20-0014. Any new use, modification or expansion of the use, or activities not authorized under this Conditional Use Permit, shall be subject to the review and approval of the Zoning Administrator.

12. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. The Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.
13. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/Operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
14. Approval of this Project shall not waive compliance with all sections of Title 19 of the Municipal Code, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 14th day of October 2020.

Scott D. Donaghe,
Zoning Administrator